

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FORD MOTOR CREDIT COMPANY LLC, a  
Delaware Limited Liability Company,

Plaintiff,

v.

MARCO VENTURES, INC., a California  
Corporation, dba FORD OF MARIN,

Defendants.

No. C-08-4906 MMC

**ORDER DEFERRING RULING ON  
PLAINTIFF'S MOTION FOR DEFAULT  
JUDGMENT; AFFORDING PLAINTIFF  
LEAVE TO SUPPLEMENT MOTION;  
CONTINUING HEARING**

Before the Court is plaintiff's Motion for Entry of Default Judgment, filed April 8, 2010 and noticed for hearing on May 14, 2010. Defendants have not filed a response.<sup>1</sup> Having read and considered the motion, the Court rules as follows.

Plaintiff seeks to recover from defendants the principal sums owed under two agreements, along with prejudgment interest, attorney's fees, costs, and additional sums identified as "charges" and "expenses." The evidence before the Court is sufficient to establish plaintiff's entitlement to recover principal in the amounts sought, specifically, \$1,045,214.94, attorney's fees in the amount sought, specifically, \$27,930.00, and costs in the amount sought, specifically, \$2295.53. With respect to plaintiffs' asserted entitlement

<sup>1</sup>Under the Local Rules of this District, defendants' opposition was due no later than April 23, 2010. See Civil L.R. 7-3(a) (providing "opposition to a motion must be served and filed not less than 21 days before the hearing date").

1 to charges and expenses, as well as to prejudgment interest, however, plaintiff's showing is  
2 deficient.

3 First, to the extent plaintiff seeks an award corresponding to "charges & expenses"  
4 under the Wholesale Agreement (see Bascio Decl. ¶ 28), and to "other charges" under the  
5 Capital Loan (see id. ¶ 32), plaintiff fails to identify the nature of any such charge or  
6 expense, nor does plaintiff state why such charges and expenses are due under the  
7 respective agreements.

8 Second, to the extent plaintiff seeks an award of prejudgment interest, plaintiff has  
9 not identified the rate(s) used by plaintiff in arriving at the sums requested, nor has plaintiff  
10 provided a declaration setting forth how such amounts were calculated under the  
11 respective agreements.

12 In light of the above, the Court hereby DEFERS ruling on the motion and will afford  
13 plaintiff an opportunity to supplement its motion to address the above-noted deficiencies as  
14 follows:

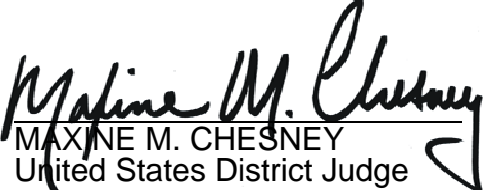
15 1. No later than Thursday, May 20, 2010, plaintiff may file a supplemental  
16 memorandum and supplemental declaration(s) for the purpose of (a) identifying the nature  
17 of the claimed charges and expenses and explaining why they are due under the parties'  
18 agreement(s), and (b) identifying the applicable rate(s) of prejudgment interest and  
19 indicating how the amounts sought were calculated.

20 2. If defendants wish to file a response to any such supplemental showing,  
21 defendants' response shall be filed no later than Tuesday, June 1, 2010.

22 3. The hearing on plaintiff's motion is hereby CONTINUED from May 14, 2010 to  
23 June 11, 2010.

24 **IT IS SO ORDERED.**

25  
26 Dated: May 4, 2010

27  
28  
  
MAXINE M. CHESNEY  
United States District Judge